

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMY VELEZ, et al.,

Individually and on Behalf of Others Similarly
Situated,

Plaintiffs,

-against-

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendants.

Case No. 04 Civ. 09194 (CM)

DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS

Pursuant to Rule 47(a) of the Federal Rules of Civil Procedure and this Court's Rules, defendant Novartis Pharmaceuticals Corporation ("Novartis") respectfully requests that the prospective jurors in the trial of the captioned action be questioned as follows, and that Novartis be permitted to supplement the questioning, if necessary:

General Background

1. Please give your name.
2. Where do you live?
3. How long have you lived there?
4. [If fewer than five years] Where did you live previously?
5. Are you employed? If yes, please describe your position. How long have you held this position? If you are retired, what was your last employment?
6. [If they have held the position fewer than 5 years] What position did you hold prior to the one you are currently in?
7. Are you married, have a significant other and if yes, what is or was that person's occupation?

8. Do you have children? How many? What ages? What do they do?
9. Please describe your educational background.
10. Do you have any physical problem that would make it difficult for you to sit as a juror on this case, such as a hearing loss or a need to take medication?
11. What newspapers or magazines do you read with any frequency?
12. What television programs do you enjoy watching?
13. What activities or hobbies do you engage in during your spare time?

Knowledge of the Parties/Counsel

14. The plaintiffs are current and former Novartis employees. [PROVIDE POTENTIAL JURORS WITH NAMES OF PLAINTIFFS]. Do you know any of these people? If so, please describe the nature of the relationship. Would this prevent you from impartially considering the evidence and reaching a verdict in this case?

15. Plaintiffs are represented by the law firm of Sanford, Wittels and Heisler. David Sanford, Steven Wittels, Katherine Kimpel, Kathy Leong, Felicia Medina and _____ are the attorneys who will be representing the plaintiffs during the course of this trial. Has anyone heard of counsel for the plaintiff?

16. Defendant is represented by the law firm of Vedder Price P.C. Richard Schnadig, Thomas Abram, Aaron Gelb, Sara Kagay, Elizabeth Hall, and Ashley Pertsemlidis are the attorneys who will be representing Novartis during the course of this trial. Has anyone heard of counsel for the defendant?

17. Does anyone know any of the following people who may be called as witnesses: [LIST]. Do you know any of these people? If so, please describe the nature of the relationship. Would this prevent you from impartially considering the evidence and reaching a verdict in this case?

Background with Legal Proceedings

18. Have you or a member of your family or household ever been involved in a lawsuit of any kind? If yes, please describe what the lawsuit was about and whether the result was satisfactory or unsatisfactory. [Can be explained outside the presence of the other prospective jurors.]

19. Have you ever been a witness for a party bringing a lawsuit? If yes, please describe the case and the nature of your testimony.

20. Have you ever been a juror before? In a civil or criminal case? Did you deliberate and reach a verdict?

21. Have you or a member of your family or household or a friend ever made a claim or filed a lawsuit against an employer claiming discrimination? [Please explain.]

22. Has a claim or lawsuit ever been filed against you or a member of your family or household or any close friends by an employee?

23. Have you, a family member or a close friend ever given a deposition or testified at a trial in a case alleging discrimination or harassment? Did you testify for the plaintiff or the defendant?

Employment/Supervisory Background

24. For the women, have any of you worked while being pregnant? If yes, how was that experience for you?

25. For the women, did you return to work after having your baby? If yes, how was that experience for you?

26. For the men, have any of you had wives or girlfriends who worked while being pregnant? If yes, how was that experience for them?

27. For the men, did your wife or girlfriend return to work after having the baby? If yes, how was that experience for you?

28. Have you supervised other employees in the workplace? {Where and when?}

29. Have you been supervised? Have you ever had any type of problem with any of your supervisors?

30. Have you or a member of your family or household or any close friend ever been fired, disciplined, reassigned, or denied a promotion at work for reasons that you thought were unfair?

31. Have you ever been the victim of discrimination or harassment at the workplace? If so, what were the circumstances?

32. Have you ever complained to an employer of yours about discrimination or harassment that you felt you had been exposed to at work?

33. Have you or a member of your family or household or any close friend ever had any education, training, or work experience in the following areas: human resources, personnel, labor relations, law, counseling, social work?

34. If you are currently employed, do you feel that, in general, you are being treated fairly by your employer?

35. Have any of your co-workers complained that they were victims of discrimination or harassment? Do you know what the outcome was?

36. Have you ever observed discrimination or harassment on the job or in the workplace?

Novartis Pharmaceuticals Corporation

37. The defendant Novartis is a pharmaceutical corporation. Do you feel that you can judge the evidence in this matter with indifference to the relative size or economic status of the parties?

38. Have you or has any member of your family or any close friend ever worked for or applied to work at Novartis?

39. Do you recall reading about this case or hearing about it from any source?

40. Have you or has any member of your family or any close friend ever had any experiences with any Novartis drugs? [If yes, please describe.]

41. Do you have any opinions about Novartis or its employees that you think would affect your ability to render an impartial verdict in this case? [If yes, please describe outside the presence of the other potential jurors.]

42. Do you have any opinions about the pharmaceutical industry that you think would affect your ability to render an impartial verdict in this case?

Personal Biases

43. Do you think employers unfairly discriminate against their employees on a regular basis?

44. Do you think that women are generally treated fairly in the workplace?

45. This case involves allegations of sexual or gender discrimination. Do you feel that you can be fair and impartial in this case?

46. Do you have any preconceived notions about litigation of this type – where individuals are seeking compensation from a company claimed to have discriminated against them in employment?

47. This case is a class action. Do you have any preconceived notions about class actions?

48. If you are selected as a juror in this case, do you know of any reason why you could not be fair and impartial?

49. Do you believe that the fact that the plaintiffs commenced this lawsuit against the defendant and are here today for trial means that there must be at least some merit to the plaintiffs' allegations?

50. Is there any reason why you might tend to be more favorable to one side or the other in this case? Is there anything about this lawsuit that would prevent you from being fair to all parties?

51. If selected as a juror in this case, will you follow the law as the court instructs you, even though your idea of what the law should be may be different?

52. If selected as a juror in this case, will you be able to keep an open mind until you have heard all the evidence and received the court's instructions on the law?

Is there anything which has not been asked which you would want to tell the Court about and which may be a factor in your ability to be fair and impartial in this case? [Can be explained outside the presence of the other prospective jurors.]

Dated: Chicago, Illinois.
January 29, 2010

Respectfully submitted,

By: /s/ Richard H. Schnadig

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true and correct copy of the foregoing DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS was filed electronically and served on the following by depositing same in the United States mail, with proper first-class postage prepaid on January 29, 2010:

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/s/ Richard H. Schnadig
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